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COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 13th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 18 March 1997, at 3 p.m.

Chairman: Mr. SOMOL (Czech Republic)

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(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;

(b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

The meeting was called to order at 3.15 p.m.

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 14) (continued) (E/CN.4/1997/72 and 105)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 15) (continued) (E/CN.4/1997/73 and 75; A/51/425 and 482)

1. Mr. PUNJABI (Himalayan Research and Cultural Foundation) said that the International Covenants on Human Rights and the Commission could not be comprehended in isolation from each other. It was amazing that, despite repeated appeals, there were some States which had still not signed the Covenants and still more so that the very same States had the audacity to clamour about violations of human rights in other States and seek to pass resolutions censuring their rivals, thus having the best of both worlds. The Commission should end that practice by devising mechanisms to bind States to the Covenants compulsorily.

2. There seemed to be a diplomatic ambiguity regarding the right of individuals or groups to submit communications concerning non-compliance with the Covenants and their protocols. It was understandable that the Commission sought to ensure that that right was not misused, but there was a need to eliminate the ambiguity and his organization urged the Commission to do so.

3. Mr. SABOIA (Brazil) said that there was an impressive corpus of international human rights instruments in force and a continuously growing number of countries that had ratified or acceded to them. By so doing, they showed a willingness to abide by their provisions, even though there was still a gap between theory and practice in many societies.

4. The international human rights instruments did not, however, form a unified system of norms, particularly with regard to monitoring mechanisms and obligations. Overlaps and duplications put a heavy burden on States parties in terms of reporting obligations. Despite such difficulties, Brazil had made every effort to present its reports, which in 1996 had included its initial report to the Human Rights Committee and its tenth periodic report to the Committee on the Elimination of Racial Discrimination. The presentation of both reports had made for a constructive and fruitful exchange of views between the committees concerned and his Government. Moreover, since the reports were the result of broad consultations within Brazil, they represented the dialogue and cooperation that existed between the Government and civil society. Brazil was currently preparing - and would shortly submit - reports to three other treaty bodies.

5. His delegation believed, however, that a comprehensive reform of the existing system of reporting was required. Rationalization within the United Nations should extend to the task of monitoring human rights. States should be allowed to consolidate their information in one or two periodic reports, to be examined by each of the various treaty bodies. A single integrated report, rather than six or seven different ones, could save precious time and resources for countries and treaty bodies alike.

6. His delegation attached the utmost importance to the question of the death penalty, which was expressly prohibited under the Brazilian Constitution, except when the country was at war, and had not been applied since 1855. Brazil had ratified the Optional Protocol to the American Human Rights Convention and was considering ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights. His delegation thus supported the draft resolution on the death penalty, of which it was a sponsor.

7. Mr. GORKUN-VOEVODA (Russian Federation) said that the authority of an international legal instrument was directly proportionate to the number of States that had ratified or acceded to it. It was therefore gratifying that significant progress had been made on that score, and the accession of a number of newly independent States to the Covenants was particularly welcome. Further steps should be taken, however, to achieve universal ratification of the main international human rights treaties. With the backing of the Secretary-General and the High Commissioner for Human Rights, advisory services and technical assistance should be improved so as to enable States to implement the accession procedures and bring their legislation into line with the respective treaties.

8. His delegation was concerned, however, at the limited number of States that had recognized the optional communications procedure. The possibility of individual communications made international human rights treaties more effective and more attuned to the interests of individuals. The Constitution of the Russian Federation thus provided for the right of an individual to address a direct communication to the treaty bodies.

9. The right to make reservations to international human rights treaties should not be abused and his delegation supported the idea of conducting research into the matter.

10. If international treaties were to enjoy universal respect, however, the efficiency of the treaty bodies must be improved. To that end, adequate resources should be provided; the database within the Centre for Human Rights should be made easily accessible to the members of treaty bodies; the exchange of information between treaty bodies should be enhanced; and coordination between them and United Nations agencies should be improved.

11. Over the past few years, the treaty bodies' methods of work had noticeably deteriorated. They had sometimes gone beyond the scope of their mandate and it was time to give serious consideration to their activities during their meetings with States parties. As a result of their attempts to tighten their schedules and examine as many States' reports as possible per session, they had left no room for a constructive dialogue, due to sheer lack of time. The Committees' concluding remarks could thus no longer be considered objective. It was imperative therefore that practical steps be taken to rationalize the workings of the human rights bodies.

12. Mrs. ANDERSON (Ireland) said that article 6 of the International Covenant on Civil and Political Rights reaffirmed the right to life and established significant restrictions on the carrying out of the death penalty. It was evident from the terms of the article that those who had drafted it

would have wished to prohibit capital punishment but had been obliged to settle for something less. The initiative of the Italian delegation thus offered a valuable opportunity to address the issue in a spirit of cooperation.

13. Ireland had not carried out any execution since 1954 and, in 1989, the death penalty had been abolished for all offences. It had acceded to the Second Optional Protocol in 1993. Her delegation was convinced that the worldwide abolition of capital punishment would enhance human dignity and affirm respect for human life. There was no credible empirical evidence to justify the assertion that the death penalty acted as an effective deterrent against serious crime, but there was evidence that it was applied disproportionately to the most vulnerable sectors of society, people who were less able to function within the criminal justice system. Indeed, all such systems were susceptible of error. Reparation could be made for most errors, but not where an innocent person had been executed.

14. It was sometimes argued that society must adopt appropriate measures against those who threatened its essential fabric. The challenge, however, must be to shape and implement such measures without resort to the irrevocable sanction of the death penalty. With sufficient conviction on the part of States that challenge could be met.

15. The abolition of capital punishment would constitute a major advance towards full and universal respect for human rights and fundamental freedoms and she urged all States to accede to the Second Optional Protocol or, at least, to declare a moratorium on applying the death penalty. Those that retained the death penalty should take immediate steps to restrict its use and ensure that it complied with the restrictions set out in article 6 of the Covenant. She hoped that the Italian initiative would be accepted by the Commission.

16. Mr. Tae-Yul CHO (Republic of Korea) said that the proliferation of reports under the growing number of human rights instruments had placed an increasing heavy burden on the States parties, particularly the developing ones. The burden had been magnified by duplication and a lack of coordination among the various treaty bodies. His delegation therefore welcomed and supported the recommendations made by the independent expert in his informal working paper, such as his proposal for a single consolidated report by each State party and the replacement of comprehensive periodic reports by specific reports with guidelines tailored to each State's individual situation. Such far-reaching reforms would make the reporting system both viable and sustainable.

17. The treaty bodies could not function effectively without appropriate support from the Centre for Human Rights, with its important role of maintaining consistency and coherence in both substantive and procedural matters. His delegation therefore commended the restructuring efforts in the Centre, which would not only enhance efficiency but were inevitable in the light of the current financial crisis within the United Nations. Any misjudgements that might be made in the transitional process could be smoothed out later, but restructuring should continue.

18. To that end, his Government had recently contributed US$ 500,000 to the Centre's computerization programme, in collaboration with the Samsung Group. The programme would greatly contribute to the effective functioning of human rights treaty bodies. The donation, though modest in size, reflected his country's firm commitment to the promotion of human rights, and also the support proffered by its private sector. It would endeavour to continue making its contribution in the years to come.

19. Mr. H.K. SINGH (India) said that, although the monitoring process enabled the treaty bodies to understand States' difficulties in meeting human rights standards and to provide guidance in that regard, it must be accompanied by self-criticism on the part of Governments. The treaty bodies should emphasize constructive dialogue with the States parties, since an adversarial approach could be counter-productive.

20. Because the treaty bodies had narrowly defined mandates, he disagreed with the proposal that they should participate in all meetings of the Commission and its subsidiary organs.

21. The monitoring system had become cumbersome, because the increase in the number of instruments threatened the efficiency and effectiveness of all the mechanisms, and the whole system ran the risk of collapsing under its own weight. The main problems included excessive reporting obligations which imposed a crippling burden primarily, but not exclusively, on developing countries; overlap; lack of coordination; backlogs in the submission and consideration of reports; poor follow-up; absence of linkages to technical cooperation programmes and advisory services; inadequate emphasis on ratification and the withdrawal of reservations; and inadequate resources to service the treaty bodies.

22. Interesting proposals had been made on ways to reform the system, such as reducing the number of treaty bodies; consolidating reports into a single comprehensive one; holding thematic discussions, involving all of the treaty bodies, on previously identified topics; and increasing the intervals between reports. Since such reforms might raise complicated legal problems by requiring deviations from the provisions of the treaties, the Commission should request the Secretary-General to submit a report on the reform proposals and the legal procedures for putting them into effect. The Commission should then consider setting up an open-ended working group to make recommendations to the appropriate bodies.

23. The most important component of the current monitoring process was the exercise of preparing reports, which caused States to review their obligations and legislation and to seek inputs on the subject from non-governmental organizations (NGOs) and the general public. Thus far, technical cooperation had involved only assistance in writing the reports but the real problem was the collection of the relevant data. The recommendations of the treaty bodies must be followed up, with technical cooperation from the Centre for Human Rights, and the treaty bodies should make specific recommendations on the assistance necessary to implement solutions to the problems they identified.

24. Mr. AGURTSOU (Belarus) said he was pleased to note that, following the World Conference on Human Rights, a growing number of States were ratifying or acceding to the international human rights treaties and the Optional Protocols to the International Covenant on Civil and Political Rights. It was a matter of regret, however, that a large number of States had still not taken such action. By doing so, they would recognize the right of the Human Rights Committee to receive communications from individuals or groups. Belarus had started the process of incorporating into its legislation a recognition of the similar provisions under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination.

25. His delegation supported the adoption of the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights (E/CN.4/1997/105). The draft protocol was optional and he noted the comment by the Committee on Economic, Social and Cultural Rights that it was essential for a complaints procedure to be established under that Covenant to balance that existing under the International Covenant on Civil and Political Rights.

26. The human rights treaties, and the treaty bodies, lay at the heart of the United Nations system. Belarus attached great importance to cooperating with those bodies and fulfilled its obligations in the submission of reports. In the past year, it had submitted its third periodic report to the Committee on Economic, Social and Cultural Rights and its fourteenth periodic report to the Committee on the Elimination of Racial Discrimination. That experience had convinced his delegation of the need to improve the procedures for the submission and consideration of reports and the functioning of the system in general. In that context, it welcomed the informal working paper submitted by the independent expert on enhancing the long-term effectiveness of the treaty bodies.

27. A particularly telling observation in the working paper was that the current system was able to function only because a large number of States failed to meet their reporting obligations. Nevertheless, the timetable of practically all the treaty bodies was significantly overburdened. Some were forced to consider more than 10 reports in the course of a session. Such a situation inevitably had a negative impact on the effectiveness of the dialogue between the Committee and the State concerned and also on the concluding observations. His delegation thus endorsed the recommendation that the quality of concluding observations should be improved. Only if they were clear, detailed, precise and specific would the measures consequently adopted by Governments be successful.

28. Coordination and cooperation between the treaty bodies had also to be improved, including an avoidance of duplication. His delegation welcomed the fact that the chairpersons of the treaty bodies were holding regular meetings and it supported the recommendation that a high-level meeting to find more effective means of coordination between the six human rights committees and other United Nations organs should be held. Lastly, he stressed the need to provide adequate resources for the activities of the treaty bodies to enable them to carry out their functions effectively.

29. Mr. PRATAMO (Indonesia) said that the effective functioning of human rights treaty bodies required not only the commitment of States parties, but also system-wide coordination by the High Commissioner for Human Rights, particularly with a view to avoiding duplication in reporting procedures and streamlining them. Moreover, country reports should be considered in a timely and efficient manner; chronic backlogs threatened to undermine the effectiveness of the human rights instruments, even though they attested to the success of those instruments. His delegation had expressed support, before the relevant treaty bodies, for solutions such as extending the duration and frequency of their meetings and simplifying reporting procedures. It was pleased that the Committee on the Elimination of Discrimination against Women, whose functioning had been hindered considerably by backlogs, was to be allowed to extend its sessions and to hold pre-session working group meetings.

30. United Nations technical assistance and advisory services were very important for helping States to meet their reporting obligations, as the Commission had recognized in its resolution 1996/22. Furthermore, General Assembly resolution 50/170 had reaffirmed the importance of better coordination among United Nations human rights bodies to avoid duplication of mandates and tasks. The treaty bodies should not be hindered by a lack of time or resources, considering the importance of the reporting process for the promotion of human rights.

31. Mr. WILLE (Observer for Norway) said that the number of States parties to the principal human rights instruments was disappointingly low and all States should be encouraged to accede to those instruments without reservations. Norway had been one of the first countries to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, and he urged other countries that had abolished the death penalty to do likewise.

32. The dialogue between treaty bodies and States parties was a vital component of the international human rights monitoring system. The introduction of concluding observations had enhanced the value and impact of that procedure. However, the proliferation of reporting obligations imposed a considerable burden on States, particularly developing ones. Nonetheless, States must continue to cooperate fully with the committees concerned.

33. Pursuant to a request from the General Assembly, an independent expert had prepared a report on enhancing the long-term effectiveness of the United Nations human rights treaty system. The problems he identified included the growing number of overdue reports; the delays between the submission and the consideration of reports; the backlog of communications; dwindling resources; overlapping provisions in the treaties themselves, which could lead to duplications in reporting, and the potential for conflicting human rights jurisprudence.

34. The report recommended measures to achieve universal ratification of the core instruments, the identification of ways to address problems in the reporting system and the provision of assistance to States in that area, the replacement of comprehensive periodic reports by reporting guidelines tailored

to each State's individual situation and the consolidation or reduction of the number of treaty bodies. Improving the effectiveness of the treaty body system should be a priority for the Commission and the independent expert's report was a useful starting point.

35. Mr. GONZÁLEZ de LINARES (Observer for Spain) said that his country had removed the death penalty from its Penal Code several years previously and the Spanish parliament had unanimously decided to remove it from the Code of Military Justice as well. Consequently, Spain had become a party to the Second Optional Protocol.

36. Its action had been motivated by respect for the fundamental right to life and by the conviction that the death penalty was not an effective way to fight crime. Countries whose legislation provided for the death penalty should exercise great restraint in applying it. His delegation applauded the attitude of those States that had refrained from applying the death penalty in recent years, even though it was available under their legislation, and hoped that other States would follow suit.

37. He supported the statement by the Italian delegation and hoped that all members of the Commission would support the draft resolution that was to be submitted on the subject.

38. Mr. GRECU (Observer for Romania) said that further efforts were needed to encourage all States to accede to international human rights instruments and to withdraw any reservations they had entered. His Government was grateful for the support provided by the Centre for Human Rights and the treaty bodies in building democracy and strengthening the rule of law.

39. He endorsed the initiatives by the Secretary-General and the High Commissioner for Human Rights to restructure the United Nations human rights machinery. Reporting obligations and the optional communication procedures were important to ensure the enjoyment of human rights. Through those processes, the treaty bodies and civil society informed Governments how human rights should be honoured and protected. He strongly supported the elaboration of optional protocols on reporting and communication procedures for those instruments that did not have them. Lastly, he supported the High Commissioner's initiatives in the field of human rights education, given the importance of civil society's role in promoting human rights.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

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(agenda item 5) (E/CN.4/1997/17-19, 106, 110, 112, 115 and 120; E/CN.4/1997/NGO/9; E/CN.4/Sub.2/1996/12 and Corr.1 and 13; E/CN.4/Sub.2/1995/11; A/C.3/51/6)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 6) (E/CN.4/1997/21 and 22; E/CN.4/1997/NGO/2)

40. Mrs. BU FIGUEROA (Observer for Honduras) said that steps taken on the advice of international financial institutions to reduce her country's heavy debt burden had often proved ineffective, mainly because multilateral debt, which represented a large percentage of its external debt, was not taken into account. Honduras had had to make sacrifices to avoid a payment crisis, and external debt continued to be a major obstacle to its economic and social development. Nevertheless, it had managed to halve the cost of debt servicing for the period between August 1995 and January 1997, and a recent agreement with the International Monetary Fund (IMF) meant that it would be eligible for a further reduction in its debt to the Paris Club.

41. External debt was strangling the economies of debtor countries; to cancel it or ease the terms of repayment would transform their financial situation. Her Government would continue its efforts to reduce the debt burden and would borrow only on preferential terms. Savings made to date had been used to finance social programmes, provide medicines and subsidize energy costs. Her Government would support all measures to reduce external debt, so that countries faced with a situation of perpetual indebtedness would be freed to pursue their economic development.

42. Mr. CORRALES LEAL (Observer for Venezuela) said that, in the 10 years since the right to development had been recognized, some progress had been made in refining the concept and the major international agencies were adopting a more practical approach to economic problems. Strictly economic remedies had failed to halt the spread of poverty and even the most orthodox of the international economic institutions had come to accept the concept of sustainable human development. That was a significant breakthrough; development was no longer regarded as an automatic side effect of economic growth and the idea that the best social policy was a good economic policy was also losing ground.

43. It was important to see social and economic policies as complementary aspects of the same process. As the Sub-Commission's Special Rapporteur on human rights and extreme poverty said in his report (E/CN.4/Sub.2/1996/13), the social devastation caused by purely macroeconomic policies could never be rectified by the later implementation of social policies. That new perspective was already beginning to have a positive impact on the policy-making of the Bretton Woods institutions. They were moving away from inflexible programmes that ignored the social and political differences between countries, and towards projects which took into account social considerations and the political feasibility of structural adjustment and

investment programmes, realizing that growth did not automatically benefit the poor, unless specific measures were taken to help the weakest and most vulnerable groups.

44. Statements and resolutions reaffirming international solidarity and the right to self-determination as the basis for the enjoyment of the right to development could not be seen as signs of progress, however, when the actions of the Governments from which they emanated belied their words.

45. The United Nations Conference on Trade and Development (UNCTAD) had an important role to play in implementing the right to development. The reforms begun at the ninth session of the Conference had placed UNCTAD in a position to cooperate with the developing countries in implementing the Midrand Declaration. Progress towards realization of the right to development would depend on the rehabilitation of UNCTAD as a focus of debate on the problems facing the developing countries, and would be complemented by parallel action within the World Trade Organization (WTO).

46. Mr. HUNDSALZ (United Nations Centre for Human Settlements (Habitat)) said that adequate housing was one of the core issues pertaining to the right to development. At the Second United Nations Conference on Human Settlements (Habitat II), consensus had been reached on the content and scope of the right to adequate housing and the steps to be taken to implement it. The Conference had reaffirmed the legal status of the right to adequate housing and clarified the obligation of Governments to assist people in finding shelter and improve housing conditions by combating homelessness, preventing discrimination, promoting tenants' rights and ensuring that finance was available for affordable housing.

47. The political will of the international community to accept the challenge posed by inadequate housing was exemplified by a meeting of experts held at Geneva in 1996, organized jointly by Habitat and the Commission for Human Rights, a report on which had been made available to the participants in Habitat II.

48. At its forthcoming sixteenth session, the Commission on Human Settlements would be considering a strategy proposed by Habitat to tackle the problem. He invited the Centre for Human Rights and the Committee on Economic, Social and Cultural Rights to send representatives to that session, which would include an international panel discussion with both governmental and non-governmental participants.

49. Mr. DLAMINI (Observer for Swaziland) said that economic and cultural rights were of paramount importance to his country. In 1995, citizens from all walks of life had been consulted on how best the Government could ensure their economic development. In 1997, a similar consultative exercise, the Economic and Social Rehabilitation Agenda, had been carried out to set both long- and short-term goals for sustainable development. His Government would enlist the support of its partners and the international community to help it reach those goals.

50. If the purposes and principles of the Charter of the United Nations were adhered to, developing countries could look forward to sustainable economic

development and the enjoyment of economic, social and cultural rights. However, the coercive measures employed by some States, such as economic embargoes, interference in the domestic affairs of sovereign States and pressure on them to conform to certain models, militated against the development of cultural rights in the developing countries. Those countries needed genuine support from the international community and their development partners to ensure that all the human rights of their peoples were respected.

51. Mr. RØNNEBERG (Observer for the Marshall Islands), introducing a draft resolution on human rights and the environment that his delegation hoped to submit to the Commission, said that the devastating environmental effects of nuclear testing in the Marshall Islands were being compounded by climate change which threatened all small island developing States and low-lying coastal areas. The international community, through the Commission on Human Rights, should look into the issue of human rights and the environment before it became necessary to add "ecocide" to the list of crimes against humanity.

52. Accordingly, the draft resolution proposed that the Commission should request the High Commissioner for Human Rights to submit a report to its next session on mechanisms already in existence or still to be developed to provide protection against the negative effects of environmental damage on the enjoyment of human rights. It also recommended that the General Assembly should include the question of human rights and the environment in the agenda of the special session to be held on Agenda 21 in June 1997 and that the question of human rights and the environment should be included in the Commission's agenda as a sub-item of item 5.

53. Mrs. RICART (Pax Romana) said that the current situation in Albania clearly demonstrated that civil and political rights and economic, social and cultural rights were inseparable. She therefore supported the recommendation by the Committee on Economic, Social and Cultural Rights that a special rapporteur on economic, social and cultural rights be appointed, and urged the Commission to set up a working group to deal with the adoption of the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights.

54. The right to development was being flagrantly violated in over 60 countries by the deployment of anti-personnel landmines. The economies of many of the countries concerned were based on small-scale farming activities, and the loss of crops and land forced them to import basic products. Moreover, the rights to physical health, well-being and education and the right to have normal relations with others were all violated in the case of those who lost limbs after stepping on a landmine.

55. International opinion was increasingly turning against the use of landmines. Fifty-three countries had come out in favour of a total ban, some of which had already taken unilateral steps, and the General Assembly had voted overwhelmingly in favour of a ban in its resolution 51/45S. Until such a ban was introduced, countries should continue to adopt unilateral measures. Stocks of landmines should be destroyed and responsibility for detecting and deactivating those already in place should be assumed by the countries that

had profited from their manufacture and sale. The Commission should recommend that the Committee on the Rights of the Child include a section on the effects of landmines in the reports that the States submitted to it.

56. Mr. BOYD (Human Rights Advocates) said that, for the last eight years, his organization had been engaged in investigating and documenting human rights abuses associated with environmental problems. Such abuses included the harassment and/or execution of environmental monitors, the suppression of public information concerning environmental matters and the expulsion of individuals or entire communities from the sites of large projects. The international community must take practical steps to address that issue. His organization recommended the appointment of a special expert to investigate ways in which the Commission could help international environmental institutions and other bodies to address the human rights impact of environmental problems and to consider procedures which the Commission might adopt with a view to regularizing its consideration of the issue.

57. It also endorsed Sub-Commission resolution 1996/39 which, inter alia, proposed that a working group be established to study the relationship between the enjoyment of human rights and the working methods and activities of transnational corporations and urged the Commission to set up a working group to study the question of linking debt relief with the creation of microcredit programmes within the cooperation framework agreed upon between the High Commissioner for Human Rights and the President of the World Bank (E/CN.4/1997/17).

58. Ms. BOUVIER (Minority Rights Group), said she wished to draw the Commission's attention to reports by the Committee against Torture, the Working Group on Enforced and Involuntary Disappearances and the Special Rapporteur on extrajudicial, summary and arbitrary executions which indicated serious irregularities in Turkey's treatment of people of Kurdish ethnic origin. The Commission should urge Turkey and the other countries with large Kurdish populations, to implement international human rights standards and the United Nations Declaration on Minorities. Moreover, both Turkey and the Kurdish Workers' Party (PKK) had undoubtedly committed breaches of the Geneva Conventions and, according to article 1 common to those Conventions, it was incumbent upon the contracting parties to ensure compliance therewith. The Commission should thus call upon the international community to meet that obligation by seeking to ensure that Turkey and the PKK did not breach the Geneva Conventions and making the sale of weaponry and military equipment conditional upon refraining from such breaches. The Commission should also call upon Turkey to revoke the state of emergency, halt its policy of village evictions and compensate and rehabilitate the victims. The denial of human and minority rights to Kurds in Turkey, Iraq, Iran, Syria and the former Soviet Union threatened the peace and stability of the region.

59. Ms. KABIR (International Progress Organisation) said that programmes to alleviate poverty had no hope of success if poor nations continued to be subjected to violence at the hands of armed groups financed from abroad. If the international community genuinely wished to alleviate poverty, it should ensure that no weapons, money or help were forthcoming from any quarter to those bent upon annihilating the fruits of enlightenment and economic development in the name of ideologies aimed at destroying the human spirit.

60. Referring more particularly to the State of Jammu and Kashmir, of which she was a native, she said that, while the rest of India was prospering, Jammu and Kashmir had lost what assets it had had. Earnings from tourism and handicrafts had collapsed, industries had been hamstrung by the killing of their managers, children were being denied an education as a result of teachers being killed, and women were being marginalized by fundamentalist terrorist groups. The international community should support, if only by words of encouragement, the newly elected Government's attempts at the economic and social reconstruction of the State.

The meeting rose at 5.45 p.m.